



United States Attorney
Southern District of New York

86 Chambers Street, 3rd Floor
New York, New York 10007

December 19, 2007

DATE FILED: 12/20/07

By Fax

Hon. Gabriel W. Gorenstein
United States Magistrate Judge
United States Courthouse
500 Pearl Street, Room 510
New York, New York 10007

Re: Clara Azcona v. Commissioner of Social Security
07 Civ. 5538 (WHP) (GWG)

Dear Judge Gorenstein:

This Office represents the Commissioner of Social Security, defendant in this action. We write respectfully, with the consent of plaintiff's counsel, to request an extension of the briefing schedule.

On November 26, 2007, this Court granted an adjournment of the briefing schedule making defendant's motion for judgment on the pleadings due by December 21, 2007, plaintiff's opposition due by January 22, 2008, and defendant's reply, if any, due by February 5, 2008. As we explained previously, following the filing of the Government's answer, plaintiff forwarded to this Office evidence that they believed related to the claim at issue in this case. We reviewed plaintiff's materials and forwarded them to the agency for its review. Subsequently, the agency advised this Office that plaintiff received a favorable decision on a recently filed application, and is currently receiving benefits. In addition, the agency retrieved and began reviewing the evidence in the claim folder in this case and the evidence relating to the recent favorable claim. Unfortunately, the agency has not yet completed its review of the two claims folders to see whether it would be appropriate to seek a voluntary remand in this case. To allow the agency to complete its review of this matter we respectfully request that the Court approve the following schedule:

Defendant will move for judgment on the pleadings by January 11, 2008;

Plaintiff will respond to defendant's motion and cross-

move for judgment on the pleadings on or before
February 22, 2008.

. Defendant's reply, if any, is due on or before March 5,
2008.

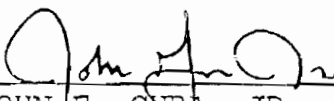
Plaintiff's counsel has consented to this request.
This is the third request for an adjournment of the briefing
schedule.

We thank this Court for its consideration of this
request.

Respectfully,

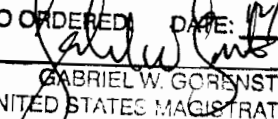
MICHAEL J. GARCIA
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By:


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cc: Charles Binder, Esq.
(By Fax)

*Granted... but do you really
believe you're going to do this by
the 1/13?*

SO ORDERED: DATE: 12/20/2007

GABRIEL W. GORENSTEIN
UNITED STATES MAGISTRATE JUDGE